



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Qiu et al.)	Examiner:
)	A. Kubelik
Serial No.	: 09/597,840)	
)	Art Unit:
Cnfrm. No.	: 6516)	1638
)	
Filed	: June 20, 2000)	
)	
For	: ENHANCEMENT OF GROWTH IN PLANTS)	

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

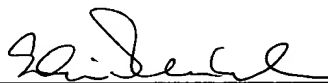
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Cornell Research Foundation, Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patents Nos. 6,174,717 and 6,228,644. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Respectfully submitted,

Date: January 14, 2004


Edwin V. Merkel
Registration No. 40,087

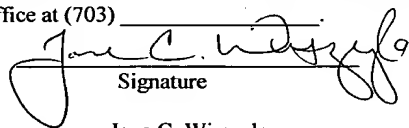
NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____

January 14, 2004
Date


Signature

Jane C. Wirszylo